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9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 SALAMEH ISSA DABAI,)

17 Defendant.)
18
19
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No. CR 3 -05 - 71011 EDL


~~[RECEIVED]~~ SPEEDY TRIAL ORDER

21 WHEREAS, SALAMEH ISSA DABAI ("Dabai") is charged in a criminal complaint
22 with violation of 18 U.S.C. § 371, in an action brought by the United States Postal Inspection
23 Service;

24 WHEREAS, Dabai was arrested and made his initial appearance on the aforesaid
25 criminal complaint, before the Honorable James Larson, on January 30, 2006, and was released
26 pursuant to the terms of bail under the direction and supervision of this Court's pretrial services;

27 WHEREAS, the last day for the government to arraign Turner on the charge contained in
28 the criminal complaint is Tuesday, February 21, 2006, pursuant to Rule 5.1(c) of the Federal

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FILED
FEB 17 2006
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Rules of Criminal Procedure;

2 WHEREAS, Dabai and his counsel of record are in the process of evaluating the
3 discovery in this action in an effort to explore possibilities for resolving this matter without the
4 need for trial as well as time for the government to receive reports and updates from the drug
5 treatment facility regarding Mr. Dabai in the government's consideration of a disposition of this
6 matter short of indictment;

7 WHEREAS, the government is agreeable to delaying indictment in order to provide
8 Dabai and his attorney the opportunity to review discovery and prepare for discussions regarding
9 resolution of the matter short of indictment and trial, and where, since arrest preceded indictment
10 in this matter, it is unreasonable to expect return and filing of the indictment within the period
11 specified in section 3161(b);

12 THEREFORE, the parties agree and stipulate as follows:

- 13 1. Turner hereby waives his right to have a preliminary hearing conducted within 20
14 days of his initial appearance while out of custody, pursuant to Rule 5.1(c)-(d) of
15 the Federal Rules of Criminal Procedure, taking into account the public's interest
16 in the prompt disposition of criminal cases and for good cause shown;
- 17 2. Dabai hereby waives his right to have all of the charges contained in the criminal
18 complaint on which he arrested and made his initial appearance on January 30,
19 2006, indicted within thirty days of his arrest, on or before March 1, 2006, as
20 required by 18 U.S.C. § 3161(b);
- 21 3. The government and Dabai hereby agree that any indictment by the government,
22 as to charges contained in the criminal complaint, must be filed no later than
23 **March 31, 2006**, pursuant to section 3161(h)(8)(B)(iii);
- 24 4. The government and Dabai hereby mutually agree that any preliminary hearing
25 and/or arraignment be held no later than **March 31, 2006**;

26 The undersigned parties, by and through their counsel, hereby agree and stipulate that
27 this waiver of time under Rule 5.1 of the Federal Rules of Criminal Procedure and section
28 3161(b) of the Speedy Trial Act shall remain in place until March 31, 2006, because this is a

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1 case in which arrest preceded indictment, such that delay in the filing of the indictment is caused
2 because the arrest occurred at time that is unreasonable to expect return and filing of the
3 indictment as to all of the charges contained in the criminal complaint, within the period
4 specified in section 3161(b), pursuant to 18 U.S.C. § 3161(h)(8)(B)(iii).

5 Moreover, in light of defense counsel's ongoing efforts to review discovery provided by
6 the government and the parties' mutual efforts to resolve this matter short of the necessity for
7 indictment, such that good cause has been shown to continue the date for defendant's
8 preliminary hearing taking into account the public's interest in the prompt disposition of criminal
9 cases, pursuant to F. R. Cr. P. Rule 5.1(d), and further, because this waiver of time will ensure
10 effective preparation of counsel taking into account the exercise of due diligence, such that the
11 ends of justice are served by granting this continuance outweighs the best interest of the public
12 and the defendant in a speedy trial, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161 (h)(8)(B)(iv).

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14 **IT IS SO STIPULATED.**

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19 BRIAN H. GETZ, ESQ.
20 for Defendant Salameh Issa Dabai

KEVIN V. RYAN
United States Attorney

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23 TIMOTHY LUCEY
24 Assistant United States Attorney

25 **IT IS SO ORDERED.**

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28 Dated: 2-17-06


HONORABLE MARIA-ELENA JAMES
United States Magistrate